

Message Text

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ACTION EUR-12

INFO OCT-01 AID-05 CEA-01 CIAE-00 COME-00 EB-08 EA-10
FRB-03 INR-07 IO-13 NEA-10 NSAE-00 USIA-06
OPIC-03 SP-02 TRSE-00 LAB-04 SIL-01 AGRE-00
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AF-10 ARA-10 MCT-01 IGA-02 ITC-01 /146 W
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R 192026Z DEC 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 3286
INFO USMISSION GENEVA
AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY LAGOS
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TAGS: EWWT, OECD
SUBJECT: OECD MARITIME TRANSPORT COMMITTEE MEETINGS
DECEMBER 8-14, 1977

1. SUMMARY: OECD MARITIME TRANSPORT COMMITTEE (MTC)
WORKING GROUP (WG) MET DECEMBER 8-9 AND THE MTC PLENARY
MET DECEMBER 12-14. THE MAJOR SUBJECT DURING BOTH

SESSIONS WAS PHASE III OF SHIPPING POLICY DISCUSSIONS CENTERING ON SIXTEEN POINTS WHICH MIGHT FORM THE BASIS OF BARMONIZED WESTERN SHIPPING POLICY. GENERAL SUPPORT FOR THE EXERCISE WAS EXPRESSED BY MOST DELEGATIONS. KEY WORKING GROUP INTERSESSIONAL TO INCORPORATE THOUGHTS EXPRESSED DURING THIS WEEK TO MEET FEBRUARY 13-14. END SUMMARY.

2. WG OF MTC MET DECEMBER 8-9 UNDER CHAIRMANSHIP OF ROLAND MURRAY (CANADA). TWO SUBSTANTIVE ITEMS ON AGENDA: 1) REVIEW OF SHIPPING DEVELOPMENTS IN OECD NATIONS AND IN THRID COUNTRIES AND 2) PHASE III OF GENERAL SHIPPING POLICY DISCUSSION.

IN REVIEW, JAPAN DISCUSSED THE PROBLEM OF JOINT VENTURES WITH SOVIET COMPANIES, ESPECIALLY IN THE FREIGHT FORWARDING AREA WHEREIN JAPANESE OFFICIALS ARE CONCERNED ABOUT GENERAL TRADE PATTERNS, ESPECIALLY THE TRANS-SIBERIAN LANDBRIDGE. JAPANESE MOT RECOGNIZES DIFFICULTY UNDER JAPANESE LAW OF PROHIBITING SUCH JOINT VENTURES, BUT ARE ATTEMPTING TO PREVENT THEIR INITIATION. UK REPORTED ON VISIT OF PRC VICE-MINISTER OF TRANSPORT. TRADE BETWEEN UK AND PRC SMALL BUT GROWING. PRC SETS RATES IN LINER TRADES; EXPORTS C.F., IMPORTS FOB; FROWNS ON CONFERENCES; WANTS MORE FOREIGN TRADE SINCE EARTHQUAKE (NO LONGER SPEAKING OF TOTAL SELF-SUFFICIENCY LIMITED OFFICIAL USE

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AND SETS BLAME FOR SIGNIFICANT PORT DELAYS (UP TO 60 DAYS) ON NEFARIOUS ACTIONS OF NOW-DEPARTED GANG OF FOUR). US, FRG, AND UK REPORTED ON BRAZIL TRADE. US INFORMED WG OF RESULTS OF OUR DISCUSSIONS WITH BRAZILIANS WEEK OF NOVEMBER 14. UNDER QUESTIONING BY USDEL, UKDEL ADMITTED THAT ARRANGEMENT IN BRAZIL IS IN FACT STRICTLY BILATERAL, LEAVING LITTLE IF ANY CARGO FOR CROSS-TRADERS. A NUMBER OF DELEGATES ADDRESSED THE GROWING AGGRESSIVENESS OF BRAZILIAN AND ARGENTINE SHIPPING AUTHORITIES. JAPAN, IN PARTICULAR, INFORMED WG OF JAPANESE-ARGENTINE POOL TALKS WHEREIN THE ARGENTINES (SCHLEEMAN AND GUEVERA) PRESENTED AN "ASTONISHING PRINCIPLE" TO THE JAPANESE SIDE, TO WIT: ALL CARGO IN ARGENTINA IN-BOUND TRADE WAS "ARGENTINE", AND THAT EACH COULD HAVE A 50 PERCENT SHARE OF "THE OTHER'S TRADE". IF THIRD FLAGS WERE TO PARTICIPATE, IT WOULD HAVE TO COME OUT OF JAPANESE SHARE. JAPANESE POINTED OUT THAT IF ANYTHING WERE TRUE IN REGARD TO DIVISION OF CARGOES, ONE'S OWN EXPORTS WERE HIS OWN AND NOT HIS IMPORTS, (JAPAN TO ARGENTINA TRADE BEING THE MORE LUCRATIVE). JAPANESE GOVERNMENT HAS NOT YET ENTERED INTO THESE TALKS. FRG REPORTED SAME ARGENTINE PROPOSAL - FEELS

ISSUE IS SERIOUS. OF THE BRAZIL BILATERAL AGREEMENTS REPORTED, ONLY THE US AGREEMENT AND THE RESULTING COMMERCIAL POOL MADE CLEAR PROVISION FOR 3RD FLAG CARRIAGE, REINFORCING THE VIEW THAT BRAZILIAN AUTHORITIES STRONGLY FAVOR 50/50 CARGO SHARES.

3. SWEDEN DISCUSSED PIRACY AND ATTACKS ON VESSELS IN LAGOS, NIGERIA. A CAPTAIN WAS SLAIN AND MANY INJURED DURING BRUTAL ATTACK ON DANISH FLAG MERCHANT VESSEL LAST MONTH. DIPLOMATIC REPRESENTATIONS HAVE BEEN MADE

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TO THE NIGERIAN MILITARY GOVERNMENT WITH LITTLE RESPONSE. UK HIGH COMMISSIONER IN LAGOS WARNS THAT NIGERIAN GOVERNMENT BECOMING VIOLENTLY DEFENSIVE AND, AS LIMITED OFFICIAL USE

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LAGOS PRESS ALREADY HAS DONE, LABELLED ACCUSATIONS AS ATTEMPTS TO BESMIRCH GOOD NAME OF NIGERIAN PEOPLE. HIGH COMMISSIONER FURTHER BELIEVES AGGRESSIVE DIPLOMATIC ACTION MAY BE "COUNTER-PRODUCTIVE". A NUMBER OF DELS REPORTED EVIDENCE OF OFFICIAL KNOWLEDGE OR CONDONATION OF THESE ATTACKS WHICH BRING SIGNIFICANT FINANCIAL REWARDS TO THE PIRATES WHO SELL THE BOOTY (BEER, SPIRITS, CIGARETTES, ETC.) ON THE BLACK MARKET THROUGHOUT NIGERIA. COORDINATION AMONG OECD MEMBERS WAS URGED. INTERNATIONAL TRANSPORT FEDERATION (ITF) (LABOR UNION) HAS THREATENED BOYCOTT OF NIGERIA BY MEMBER VESSELS. DECISION OF THAT QUESTION DUE THIS WEEK. CURRENT HOSTILITY AND ARROGANCE BY NIGERIA UNDERLINED ENTIRE DISCUSSION.

4. US DISCUSSED CURRENT PENDING LEGISLATION, TO WIT: HR 9998 (THIRD-FLAG) AND S.2008 (ANTI-REBATING). IN THE COURSE OF THE LATTER, USDEL REPORTED ON MEETINGS HELD WITH EUROPEANS AND JAPANESE (COTTON CLUB) IN RESPONSE TO NOTE OF SEPT. 27. NEXT MEETING IN WASHINGTON DEC. 20. NETHERLANDS STRESSED DESIRE TO AVOID CONFRONTATION, AND WANTS FULL RANGE DEBATE BETWEEN US AND OTHERS ON FUNDAMENTAL POLICY ISSUES EITHER IN OECD OR ELSEWHERE. USDEL REPLIED OECD DEBATE WOULD NOT BE ACCEPTABLE, BUT, IN CONTEXT US NOTE TO GROUP OF SIX ON ANTITRUST ISSUE (REPLY TO GROUP OF SIX MADE SEPT.1) WE WOULD BE HAPPY TO ARRANGE GENERAL POLICY DISCUSSIONS. WE NOTED HOWEVER THAT SUCH DISCUSSIONS SHOULD NOT REPLACE ANY AD HOC DISCUSSIONS WHICH WOULD BE NECESSARY TO RESPOND TO FMC REQUESTS FOR INFORMATION ON SPECIFIC REBATING CASES. COMMENT: FOCUS ON US SHIPPING POLICY IS GROWING IN EUROPE GENERALLY. US DOJ CRIMINAL INVESTIGATION; LIMITED OFFICIAL USE

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HEARINGS ON S.2008, CARGO PREFERENCE AND THE PROSPECT OF OVERSIGHT HEARINGS ARE ALL OF GREAT INTEREST TO EUROPEAN SHIPOWNERS AND GOVERNMENTS. SEVERAL LIMELIGHT-

SEEKING SHIPPING OFFICIALS ARE FIGHTING AMONG THEM-
SELVES TO LEAD THE CHARGE AGAINST WHAT THEY CONSIDER
INROADS ON THE PURITY OF FREE COMPETITION. FMC CHAIR-

-

MAN DASCHBACH'S STATEMENT LAST MONTH THAT PARTICIPATION
BY FOREIGN CARRIERS IN US TRADE IS A "PRIVILEGE NOT A
RIGHT" CAUSED ADDITIONAL CONCERN. IN PRIVATE TALKS
WE HAVE ASSURED EUROPEANS THIS IS A REAFFIRMATION
OF THE PRINCIPLE THAT TO OPERATE IN OUR TRADES, ONE
MUST COMPLY WITH US LAW. WG COMING MEETINGS WILL BE OF
GREAT INTEREST.

5. THE MAIN ITEM FOR DISCUSSION IN THE MTC, CHAIRED BY
HERMAN JANSSEN OF NETHERLANDS, WAS THE 16 POINTS OF
PHASE III. THE DISCUSSION STARTED WITH GENERAL OR
PHILOSOPHICAL OBSERVATIONS BY ALMOST ALL
DELEGATIONS, FOLLOWED BY A POINT-BY-POINT CONSIDERATION
OF ALL 16 POINTS. ALL DELEGATIONS VOICED WILLINGNESS
TO PARTICIPATE IN A REVIEW OF THE CONTINUING VIABILITY
OF THE FUNDAMENTAL PRECEPT OF OECD SHIPPING POLICY (I.E.
NOTE 1 OF THE CODE OF LIBERALIZATION). THE UK AND
GERMANY WISHED FIRST TO ESTABLISH THE OBJECTIVES WHICH
THE EXERCISE WAS MEANT TO DEVELOP AND THEN PROCEED TO
DETAILED DISCUSSION OF 16 POINTS. MOST FELT THE OB-
JECTIVES WERE IMPLICIT IN THE 16 POINTS AND WOULD
EMERGE IN DISCUSSION. THE FRENCH AGAIN INSISTED THAT
NOTE 1 HAD BECOME MEANINGLESS BECAUSE OF THE VARYING IN-
TERPRETATION PLACED UPON IT BY MEMBER COUNTRIES.
MOST DELEGATIONS, WHILE HOLDING FIRMLY TO THE CONCEPT
OF FREE AND FAIR COMPETITION, REALIZED CHANGING CIRCUMS-
TANCES REQUIRE MORE GOVERNMENTAL INTERVENTION IN SHIP-
PING. SEVERAL DELEGATIONS NOTED THAT INCREASED GOVERN-
MENTAL ACTION WAS ALREADY A FACT. NEW CIRCUMSTANCES
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CENTER ON THE ACTIONS OF THE LDC'S AND THE STATE-TRADING
COUNTRIES. NORWAY, WITH SUPPORT FROM OTHER SCANDINA-
VIAN COUNTRIES AND THE UK, INSISTED THAT NEW POLICIES
EMERGING FROM THIS EXERCISE MUST DISTINGUISH BETWEEN
LINER AND BULK TRADES (THE PROBLEMS WERE ALLEGEDLY ONLY
IN THE LINER TRADES) AND MUST INVOLVE THE MINIMAL
GOVERNMENT INTERVENTION. US DEL STRONGLY SUPPORTED THE
EXERCISE AND DESCRIBED IT AS A MOVE TOWARDS A REALISTIC
OUTLOOK ON WESTERN SHIPPING POLICY PRINCIPLES. AN
UPDATED MARITIME ORIENTED COMMENTARY ON NOTE 1 TO THE
INVISIBLE CODE WOULD PERMIT RECOGNITION OF NATIONAL
POLICIES IN OECD COUNTRIES AND PERMIT A MORE FLEXIBLE,
COORDINATED POLICY BETWEEN DEVELOPING COUNTRIES AND THE

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EASTERN BLOC. DISCUSSION IN THE MTC WAS BASED ON
POINTS MADE IN THE WG AND FOCUSED ON THE GENERAL PRIN-
CIPLES OF FREE AND FAIR COMPETITION, GOVERNMENT PARTI-
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CIPATION, FCN TREATIES, AND CONSULTATIONS PRIOR TO BILATERAL ARRANGEMENTS WITH NON-OECD COUNTRIES. OTHER POINTS COVERED OECD WIDE PARTICIPATION IN THIRD FLAG CARRIAGE UNDER SUCH AGREEMENTS; AND THE PRINCIPLE OF AN LDC RIGHT TO A CERTAIN PERCENTAGE OF ITS TRADE. A COMPILATION OF NATIONAL POSITIONS BY SPECIFIC POINT NUMBER WILL BE FORWARDED BY POUCH AND COMPILED BY US DEL PRIOR TO MEETING OF INTERSESSIONAL WG NOW SET FOR FEBRUARY 13-14.

6. REGARDING OTHER ITEMS, THE MTC DECIDED, AT THE SUGGESTION OF THE CHAIRMAN, TO DEFER CONSIDERATION OF UNCTAD TAXATION OF SHIPPING TO ITS APRIL MEETING. GERMANY REPORTED ON ITS MARITIME AGREEMENT WITH THE PRC INCLUDING RECENTLY CONCLUDED MEETING IN HAMBURG WITH PRC DELEGATION. THE GERMAN DEL INDICATED THAT THE TRADE WITH CHINA IS SERIOUSLY UNBALANCED IN FAVOR OF THE CHINESE, BOTH THE NUMBER OF SHIPS IN THE TRADE AND THE SHARE OF TRADE CARRIED BY THE CHINESE (I.E. GERMANY CARRIES ONLY ABOUT 18 PERCENT OF ITS CARGO IN THE TRADE TO CHINA). THE RETURN TRADE IS NEGLIGIBLE. THE GERMAN DEL ALSO REPORTED THAT VESSEL WAITING TIME (FOR A BERTH) IN CHINESE PORTS IS 50-57 DAYS. (SEE UK REPORT ABOVE). ADDITIONALLY, CHINESE VESSELS DO NOT RECEIVE ANY PRIORITY TREATMENT IN BERTHING. THE EUROPEAN DELEGATES ENGAGED IN AN EXTENSIVE DISCUSSION OF WORLD TANKER AND DRY BULK CARRIER SITUATION WITH PARTICULAR REFERENCE TO EXCESS CAPACITY WITH RESULTANT CRISIS IN SHIPBUILDING. THE NORWEGIAN DELEGATION RESTATED ITS SUPPORT FOR SEGREGATED BALLAST TANKS VIA RETROFIT BY 1982 AND THAT DEDICATED CLEAN BALLAST TANKS SHOULD ACT AS AN INTERIM MEASURE FROM JAN. 1979. GOVERNMENT FINANCING WOULD ASSIST THE OWNERS AND THE YARDS IN RETROFIT. THE UK LIMITED OFFICIAL USE

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DEL CAUTIOUS CITING PROBLEM OF COSTS OF SBT, AND URGED SEARCH FOR LESS COSTLY METHOD OF VESSEL SOURCE POLLUTION CONTROL. FRANCE SUPPORTED SWEDISH REVIEW OF THREE BASIC POINTS REGARDING SBT: 1) ECONOMIC BENEFITS TO TANKER OWNERS VIA INCREASE OF TONNAGE OPERATING; 2) PROBLEM OF IMMEDIATE COSTS TO OWNERS WHO HAVE CURRENT CASH FLOW PROBLEMS DUE TO EXCESS TONNAGE; 3) IMPACT OF INCREASED COSTS. JAPAN AND OTHERS NOTED HOWEVER THAT DISCUSSION IN MTC IS ECLIPSED BY POSITION SETTING IN PREPARATION FOR IMCO MEETING IN FEBRUARY. THE MTC AGREED TO SUBMIT A REPORT OF THE DEBATE TO THE OECD COUNCIL AD HOC GROUP ON TANKERS. MTC CHAIRMAN IN SUMMARY RECOGNIZED LACK OF UNANIMITY ON THIS MATTER WITHIN THE COMMITTEE.

7. STATE TRADING COUNTRIES: LONG AND DRAMATIC DEBATE ON DOC. 77.50 WAS HELD FOLLOWING SWEDISH STATEMENT DEPRECATING CONTENTS OF DOCUMENT, AND CAUTIONING AGAINST STRONG RESPONSES TO CURRENT SOVIET ACTIVITIES. US DEL (RECEIVING FULL AND QUICK SUPPORT FROM UK, NORWAY, NETHERLANDS, FRG AND JAPAN) TOOK UP DEBATE SETTING FORTH HISTORY OF SOVIET SHIPPING AND FREIGHT FORWARDING ACTIVITIES (EARLIER DESCRIBED IN DETAIL BY FRG AND JAPAN); THE IMPORTANCE OF DEFENSIVE COUNTERMEASURES, HARMONIZATION AND EXCHANGE OF INFORMATION. FINLAND CLAIMED THAT OECD NOT THE PROPER FORUM FOR ACTION. FRANCE CITED AND SUPPORTED UK POINT THAT WE MUST HAVE CREDIBILITY WHEN DEALING WITH THE USSR, WHICH WOULD INCLUDE JOINT VENTURES. FRANCE SEEKS EC DISCUSSION OF NEW PROPOSALS AND IS WILLING TO EXTEND THEIR CONSIDERATION TO OECD. FRANCE EMPHASIZED ALL MUST MEET SOVIET CHALLENGE IN HARMONY. SWEDEN EXPLAINED THEY SEE SERIOUS PROBLEM AND SOUGHT OTHER OPINIONS. THEY MERELY HAD SET FORTH ORIGINAL STATEMENTS AS BASIS FOR FUTURE DEBATE. NETHERLANDS, STRONGLY SUPPORTED US CALL FOR CAREFUL FOLLOW-UP AND OUR SUGGESTION THAT 77.50 BE GIVEN WIDE DISTRIBUTION WITHIN OUR GOVERNMENTS. LIMITED OFFICIAL USE

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THE U.S. DELEGATION TO THE MTC INCLUDED STATE DEPARTMENT, MARITIME ADMINISTRATION AND FEDERAL MARITIME COMMISSION REPRESENTATION.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARITIME MEETINGS, COMMITTEE MEETINGS, COMMITTEES, MEETINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 19-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PARIS36918
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770472-1012
Format: TEL
From: PARIS USOECD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19771240/aaaabhvh.tel
Line Count: 419
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f10f0601-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 8
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 23-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 185809
Secure: OPEN
Status: NATIVE
Subject: OECD MARITIME TRANSPORT COMMITTEE MEETINGS DECEMBER 8-14, 1977
TAGS: EWWT, OECD
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/f10f0601-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009